

Appl. No. 10/085,612
 Reply dated July 16, 2004
 Reply to Office Action mailed June 22, 2004

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JUL 16 2004

Application No. 10/085,612
 Applicant: Marco Guida, et al.
 Confirmation No. 8119
 Filed: February 26, 2002
 Title: METHODS FOR EVALUATING THE ABILITY TO METABOLIZE
 PHARMACEUTICALS AND COMPOSITIONS THEREFOR
 Art Unit: 1634
 Examiner: Diana B. Johannsen

OFFICIAL

Attorney Docket No.: 4389-5-C1

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Certificate of Facsimile Transmission
 I hereby certify under 37 C.F.R. § 1.8 that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office, Commissioner for Patents, TC 1600, at (703) 872-9306, on July 16, 2004.

Sandra L. Shaner

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT
AND
REQUEST FOR CORRECTION OF DATE ACCORDED CORRESPONDENCE
TRANSMITTED BY FACSIMILE ON MARCH 8, 2004

This paper is submitted in response to the Notice Of Non-Compliant Amendment dated June 22, 2004. A compliant Amendment to the Claims is submitted herewith, starting on p. 3.

Additionally, Applicants note that this Notice, and PAIR, state that the Response that was non-compliant and its associated papers (including a Sequence listing, an Information Disclosure Statement and a Request for time extension) were filed March 9, 2004. However, Applicants submitted the Response and associated documents by facsimile on March 8, 2004, and included with the transmission a Certification of Facsimile Transmission signed by Eileen McCaugher certifying the date of transmission of these documents as March 8, 2004.

Applicants note that in the Image File Wrapper for this application, the 2 page document labeled "Amendment" shows the Certificate of Transmission sent with the Response is stamped showing receipt of the Response and associated documents by the US PTO Central Fax Center on March 8, 2004. Additionally, in the Image File Wrapper, the Certificate of Transmission and all the other documents included with the Response bear a footer documenting receipt of the Response and associated documents by the PTO on March 8, 2004 at 2:11:43 PM EST.

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Applicants therefore request that the date accorded to the Response and all associated documents faxed March 8, 2004 be corrected to reflect the date faxed and received by the USPTO.

Respectfully submitted,

July 16, 2004

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